

DAM AND RESERVOIR SAFETY COUNCIL MEETING
DEPARTMENT OF NATURAL RESOURCES
GEOLOGICAL SURVEY AND RESOURCE ASSESSMENT DIVISION
CONFERENCE ROOM
ROLLA, MISSOURI

September 8, 2004

Mary Hagerty, Chairman of the Dam and Reservoir Safety Council, called the meeting to order at 10:30 a.m. in the conference room at the Geological Survey and Resource Assessment Division in Rolla, Missouri.

Council members present were Mary Hagerty, Dean E. Freeman, Zoretta Schoonover, Jeff Cawlfeld, John Boyer, and Richard Frueh. Members of the Water Resources Program (WRP) present were Jim Alexander, Tammy Theilen, Robert Clay, and Paul Simon. Representing the Attorney General's Office was Dan Massey, Assistant Attorney General; and Bill Duley, Deputy Division Director, Geological Resource and Assessment Division.

INTRODUCTION OF GUESTS

Guests present were Clarence Schoonover; Elizabeth and Jim Huber, representing the Oswald Dam in Putnam County; Gerald and Dorothy Oswald, owners of the Oswald dam in Putnam County; and Betty Freeman. Mary Hagerty asked everyone to introduce themselves and invited questions and comments as they had input into the meeting.

ELECTION OF FY-05 OFFICERS

Mary Hagerty explained that the council needed to elect officers to serve for the upcoming fiscal year and asked for nominations for chairman. John Boyer nominated Mary Hagerty for chairman. Richard Frueh seconded the nomination and it passed. Mary Hagerty thanked the council and asked for nominations for Vice Chairman. Jeff Cawlfeld nominated Dean Freeman for vice-chairman. John Boyer seconded the nomination and it passed.

MINUTES OF THE JUNE 28, 2004 COUNCIL MEETING

Mary Hagerty asked if anyone had any comments regarding the June 28, 2004 council meeting minutes. Mr. Boyer noted a problem with the wording of the June minutes concerning the motion made to have a closed session during the September council meeting. According to the minutes, Mr. Frueh motioned to go into closed session and then seconded that motion. The minutes were corrected to show that Mr. Freeman seconded the motion.

Richard Frueh made a motion to accept the minutes of the June 28, 2004 meeting as amended. Jeff Cawlfeld seconded the motion and the motion passed.

AGRICULTURAL EXEMPTION REQUEST

Oswald Dam – MO40127 - Mr. Alexander began by giving a brief history of the dam and discussing the requirements of an agricultural exemption. He then summarized the agricultural exemption

request the owner, Mr. Gerald Oswald, had submitted. He explained that the application states that the dam will be used primarily for livestock watering. Mr. Alexander showed pictures of the lake and commented that at the time of the staff site visit, there was no evidence of livestock being watered from the lake.

Mr. Alexander introduced Ms. Elizabeth Huber who had asked to speak with the council on behalf of her parents about the Oswald Dam. Ms. Huber distributed a packet of information to the council in regards to the exemption request. She briefly discussed the various uses of the lake and their intent to use the lake for agricultural purposes. She told the council that the area around the lake is fenced and has been leased for pasture. The cattle using this pasture will have direct access to the lake.

After discussion of the exemption request, Mr. Frueh made a motion to grant the agricultural exemption. Mr. Cawlfeld seconded the motion and it passed.

STATUS OF PERMITS

The council was updated on the number of permits that the program has issued since the last meeting, the new dams that are currently under construction, and where the program stands with regard to bringing the total number of regulated dams into compliance.

COUNCIL ACTION & UPDATE

Mr. Alexander explained that several of the dam owners on the agenda from the last council meeting had either submitted permit renewal applications for their dams or the Dam Safety staff had inspected their dams. Those owners with permits that have been renewed since the last council meeting have been taken off the Council Action and Update list for this meeting. The remaining dams were then listed by a variety of categories that explained where their owners are with respect to getting their permits renewed. The following list of dams has been inspected by private engineers and permit renewal applications submitted to our office for review. These applications have been reviewed and letters have been sent to the engineer who performed the inspection asking for additional information.

Lauck Lake Dam	MO40068	Scott County
Cadet Mine Tailings Dam	MO30715	Washington County
Higbee City Lake Dam	MO10660	Randolph County

The following list of dams had permits that expired in FY04 and the owners did not hire a private engineer to do their permit renewal inspection.

Carter Lake Dam	(MO31156)	Washington County
Mineral Point #1 Dam	(MO30705)	Washington County
Gun Club Lake Dam	(MO30476)	Washington County
Lipps Dam	(MO30214)	Cape Girardeau County
Settle Mine Tailings Dam	(MO30479)	Washington County
Charity Lake Dam	(MO11030)	Atchison County
Harmony Mission Dam	(MO20767)	Bates County
Smartt Dam	(MO20467)	Benton County

Lake of the Hills Dam	(MO30077)	Bollinger County
Perry Phillips Dam	(MO10019)	Boone County
Whetstone Crk. Wildlife	(MO10876)	Callaway County
Little Dixie Dam	(MO10888)	Callaway County
Forest Lake Dam	(MO10062)	Callaway County
Lake Girardeau Dam	(MO30066)	Cape Girardeau County
Geisz Dam	(MO30741)	Crawford County
Stonegate Dam	(MO20808)	Greene County
Moniteau Crk. Wtrshd A-3a	(MO12382)	Howard County
Whispering Hills Dam	(MO20128)	Jackson County
Adams Dairy Pkwy Dam	(MO20793)	Jackson County
Hidden Valley Dam	(MO30418)	Jefferson County
Lake Briarwood Dam	(MO30400)	Jefferson County
Deer Ridge Comm Dam	(MO10109)	Lewis County
White Lake Dam	(MO12220)	Lincoln County
Indian Creek Comm. Dam	(MO12221)	Livingston County
Lake Wata Dam	(MO10671)	Randolph County
Upper Little Black D-4	(MO31862)	Ripley County
Upper Little Black A-2	(MO31938)	Ripley County
Upper Little Black A-7	(MO31829)	Ripley County
Busch Wildlife #37 Dam	(MO10088)	St. Charles County
Holeman Lake Dam	(MO30275)	St. Francois County
Lake Trails Dam	(MO11104)	St. Louis County
Lake Ocie Dam	(MO30085)	Ste. Genevieve County
Lake Lasata Dam	(MO31916)	Ste. Genevieve County
Lake Wanderfern Dam	(MO11132)	Warren County
National Lead Ind. Dam	(MO30708)	Washington County
Gibson Memorial Dam	(MO32036)	Washington County
Cadet #3 Dam	(MO31830)	Washington County
Black Tailings Dam	(MO31154)	Washington County
Dresser Ind. Old #1 Dam	(MO30753)	Washington County
Ditch Creek Dam	(MO30726)	Washington County
Desoto Mine Pit & Plant "A"	(MO30468)	Washington County
Blackwell Mine Dam	(MO30709)	Washington County
Abney Lake Dam	(MO30695)	Washington County
Indian Crk. Mine Dam-lower	(MO30717)	Washington County
Freebird Dam	(MO32056)	Wright County

Mr. Alexander pointed out the dams on the list that have been inspected or are scheduled to be inspected by staff engineers. The dams were then listed by the date their permits expired. Mr. Alexander explained that renewal applications for the dams with permits that expired during the first half of FY-04 had a due date of October 15, 2004 and the applications for dams with permits that expired during the second half of FY-04 were due by December 15, 2004. Based on these deadlines and the excellent cooperation the staff is getting from the dam owners in scheduling the inspections, no action was required from the council at this time on this list of dams.

COUNCIL NOTICE OF VIOLATION

Anich Lake Dam – MO40125 – Mr. Alexander gave a brief history of the dam. He explained that a site visit was performed and it was determined that the dam was 38 feet tall and therefore should be regulated by the Water Resources Program. A staff notice of violation has been issued to the owner advising them to retain a professional engineer to apply for a safety permit for the dam. Although a site visit was made to the dam to observe a drill crew on site collecting geotechnical data, to date we have not received a safety permit application from the engineer.

Mr. Freeman made a motion to send the owner a Council Notice of Violation asking the owner to retain an engineer to apply for a safety permit for the dam by December 1, 2004. Mr. Boyer seconded the motion and it passed.

ATTORNEY GENERAL REFERRALS

Keuss Lake Dam- MO40120 – Mr. Alexander gave a brief history of the dam. After finding out the dam existed, a site visit was conducted in November 2002 and it was determined that the dam was 45 feet tall. Therefore, the owner was in violation of the Dam Safety Law for building the dam without a construction permit. The owner was contacted and told how to obtain a safety permit for the dam. Enforcement procedures followed and both a Staff Notice of Violation and a Council Notice of Violation were issued to the owner. In response, a letter was submitted to the Dam Safety Unit in December 2003 from an engineering firm indicating that they had been retained to prepare a safety permit application for the dam. To date we have not received the safety permit application.

After some discussion, Mr. Frueh made a motion to refer the owner to the Attorney General's Office for further enforcement action. Mr. Freeman seconded the motion and it passed.

FY-2005 BUDGET

Ms. Hagerty asked for an update on the budget. Mr. Alexander replied that most of the money taken from the FY-04 budget had been restored this year. The budget situation looks good for this year in that there has been no indication that there will be any withholdings this year.

OTHER BUSINESS AND PUBLIC INPUT

Mr. Alexander advised the council that there is some information being developed by the department that addresses the various councils and their operating policies. The intent is to try to develop more uniformity in how the various councils operate. He advised the council that this subject would likely be placed on the agenda to be discussed and adopted by the council at the next meeting.

DATE AND LOCATION OF NEXT COUNCIL MEETING

The next meeting of the Dam and Reservoir Safety Council will be December 14, 2004 at 10:00 a.m. Due to construction work the conference room at the Division will not be available so the meeting location will be announced at a later date.

VOTE TO GO INTO CLOSED SESSION AT THE BEGINNING OF THE NEXT MEETING

Mr. Boyer made a motion that the Dam and Reservoir Safety Council meet in closed session at 10:00 a.m. on December 14, 2004 at the next regular council meeting for the purpose of discussing personnel actions, legal actions, causes of action, or litigation, confidential and privileged matters with the council's attorney, testing and examination, personnel records or applications or records which are otherwise protected from disclosure by law as provided for in Section 610.021, RSMo.

Mr. Cawlfieid seconded the motion. Roll Call vote: Zoretta Schoonover, yes; Dean Freeman, yes; Mary Hagerty, yes; Richard Frueh, yes; Jeff Cawlfieid, yes and John Boyer, yes. Motion carried to move into closed session at the meeting on December 14, 2004.

MEETING ADJOURNED

Mr. Cawlfieid made a motion to adjourn the meeting. Mr. Freeman seconded the motion and it passed.

Respectfully Submitted,

Tammy Theilen